

**AGENDA  
BOARD OF SELECTMEN  
January 20, 2010  
7:00 p.m.  
Town Building**

**Public Input**

**Chairman's Comments**

**Town Administrator's Report**

**Meeting Minutes**

**Visitors**

- 7:15 p.m. Borrowing \$1.6M for ESBC planning – Treasurer Pam Landry
- 7:20 p.m. Green Communities Program – Kelly Brown, EOEEA regional program rep

**Action/Discussion**

- Land use: Chart and Planning Board process; Chapter 61 Quick Start Team staffing
- Highgrove 40B application comments to MassHousing
- Minuteman building project as a Board priority
- Input to Feb 4 MAGIC regional municipal services meeting
- Support for MMA resolutions
- Banner policy update
- Draft press release on EPA appeal
- Final draft of Atkins' letter on unfunded mandates

**Selectmen's Master Planning**

**Liaison Reports, if any**

**Correspondence**

**Adjournment**

Posted 1/15/10

**Correspondence**

**Town:**

CC of resident letter to US Fish & Wildlife on Assabet River Nat'l Refuge North Gate, rec'd 1/6  
Building permits report for December, rec'd 1/7  
CC of ESBC letter to Mass Historical Commission, rec'd 1/8  
Agricultural Commission reply to DEP's measure of Assabet River phosphorus level, rec'd 1/10  
Tax Title Accounts Report as of 12/31/09, rec'd 1/11  
CC of Town's appeal re EPA's Marlborough WWTF permit modification, rec'd 1/11  
Email from selectman re ESBC letter to Mass Historical Commission, rec'd 1/12  
MassHousing notification of Highgrove Estates approval application, rec'd 1/12  
Email from resident on future Pompo use, rec'd 1/13  
MART Advisory Board meeting agenda for 1/26, rec'd 1/14  
Anonymous letter re golf course and wetlands, rec'd 1/15 (forwarded to Conservation Commission)  
Letter from resident on 6.25-percent meal tax in Stow, rec'd 1/15

**General:**

Comcast notice of enhanced services, rec'd 1/6  
Common Cause notice of website reviews for annual e-Government Award, rec'd 1/11  
Notice of Regional Economic Summit, 1/29, 7:30 am to noon, Leominster, rec'd 1/12

## **Selectmen's meeting motions, 1/20/10**

### **School building project borrowing**

I move that the Board authorize the Treasurer-Collector to borrow the remaining \$1,600.000 for elementary school building planning, as approved by \_\_\_\_\_ Town Meeting Article \_\_\_\_\_.

### **Land use evaluation process and Chapter 61 land evaluations**

**Land Use:** I move that the Board of Selectmen adopt "Land Use Decision Making for New Parcels of Land," as defined in the chart dated 1/7/2010.

**Ch 61 Land:** I move that the Board of Selectmen approve the following members for the **working group** named Chapter 61 Quick Response Team, as described in the Land Use Task Force final report, dated July 2009.

- Agriculture Commission – as needed
- Assessors – John Bolton
- Conservation Commission – Pat Perry
- Health – Betty Cormier
- Open Space Committee – Vin Antil
- Planning Board – Karen Kelleher
- Selectmen – to be determined

### **Send Highgrove 40B comments to MassHousing – due Feb 10 (30 days from 1/11)**

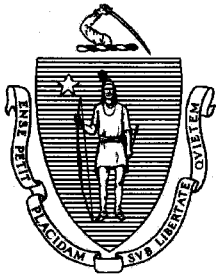
I move that the Board authorize its Planning Board liaison (Laura) to compile comments from the Town boards and submit them to MassHousing by Feb 10 on behalf of the Board of Selectmen.

### **Decide support resolutions for MMA Selectmen's Annual Meeting.**

**Health insurance plan design:** I move that the Board approve MMA Resolution 4254, calling for Health Insurance Plan Design Authority for Cities and Towns.

**Police career incentive pay:** I move that the Board approve MMA Resolution 4255, calling for Action to Prevent Unfunded State Mandates in the Police Career Incentive Pay Program.

**Unfunded state mandates:** I move that the Board approve MMA Resolution 4256, Opposing Current and Future Unfunded Local Mandates.



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., SUITE 1020  
BOSTON, MA 02114

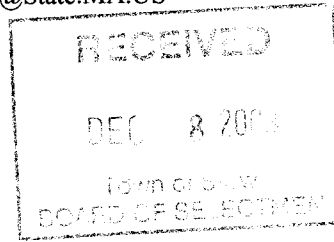
Internet: [www.Mass.Gov/DOER](http://www.Mass.Gov/DOER)  
Email: [Energy@State.MA.US](mailto:Energy@State.MA.US)

**Deval L. Patrick**  
Governor

**Timothy P. Murray**  
Lieutenant Governor

**Ian A. Bowles**  
Secretary, Executive Office of Energy  
and Environmental Affairs

**Philip Giudice**  
Commissioner



TELEPHONE  
617-626-7300

FACSIMILE  
617-727-0030  
617-727-0093

December 3, 2009

Mr. Stephen M. Dungan  
Board of Selectmen Chairman  
Town Building  
380 Great Road  
Stow, MA 01775

Dear Mr. Dungan,

The Department of Energy Resources, in continuing the Patrick Administration's implementation of last year's landmark Green Communities Act, has named me as the Green Communities Regional Coordinator for Central Massachusetts. My role is to help local officials in Central Massachusetts reduce municipal energy costs and green house gas emissions through local policies and targeted investments that encourage greater energy efficiency and use of renewable energy.

As the hub to all 351 cities and towns on all things energy related, the Green Communities Division stands ready to support you in meeting your energy goals. As your Regional Coordinator, it is my responsibility to be a resource to Stow. To that end, it is important that the Green Communities Division learn about your community's specific energy needs and issues and work with you on the most productive solutions.

Over the next few weeks, I hope to make contact with the appropriate individuals in your community to begin the discussion of how to best assist you in achieving your energy goals. In the interim, I have listed my direct contact information below. Please feel free to contact me

with any questions or for more information about the Green Communities Program or other energy related issues.

Kelly Brown  
627 Main Street  
Worcester, MA 01608  
Office: 508-767-2703  
Cell: 617-780-8144  
Kelly.Brown@state.ma.us

Thank you for your time. I look forward to working with Stow to help create a greener energy future for Massachusetts.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Brown', followed by a long horizontal flourish.

Kelly Brown, Regional Coordinator

## Stow Selectmen's Office

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**From:** Laura Spear [laura@spear.net]  
**Sent:** Monday, January 11, 2010 10:57 AM  
**To:** 'Stephen Dungan'; 'Kathleen Willis'; 'Karen Kelleher'; 'Conservation Commission'; 'Kathy Sferra'  
**Cc:** 'Susan McLaughlin (bos)'

**Subject:** Latest version of our "decision-making for open parcels of land" chart for your distribution

Per our meeting of last week, attached please find the latest version of our land-use decision-making chart for parcels of land. As we discussed, we are to take this version to our respective boards and say that we would like to implement this, effective immediately. Please let me know if you have any further comments.

Thanks for your assistance in creating and refining this chart!  
Laura

1/11/2010

# Land Use Decision-Making for New Parcels of Land

DRAFT 5: January 7, 2010

**Objective:** When a parcel of land becomes available:

- Determine its best possible uses before making any binding commitments
- Ensure that all decisions are consistent with Town and state statutes

Source of Land		
Conventional development	Zoning and other bylaws apply  Possible for municipal uses	Initial discussion with boards affected by land use*  Follow-up discussion: Planning Board and Board of Selectmen if appropriate
PCD (required 60%)	Statute restrictions: park or open space	Three options by statute and the Stow Zoning bylaw: <ul style="list-style-type: none"> <li>• Town can own</li> <li>• Non-profit conservation organization can own</li> <li>• A corporation or trust owned by the owners of the lots or units in the PCD</li> </ul> In all cases, a restriction is required.  Follow-up discussion with boards affected by land use*
PCD (greater than 60%)	Negotiate based on use	Initial discussion with boards affected by land use*  Follow-up discussion: Planning Board and Board of Selectmen if appropriate
CPA funds for conservation	Article 97, conservation restriction required by CPA	Conservation Commission involvement  CPC recommendation and Town Meeting approval
CPA funds for recreation	Deed restriction required by CPA	Recreation Commission involvement  CPC recommendation and Town Meeting approval
Chapter 61	Zoning and other bylaws apply  Possible for municipal uses	Follow Town's Chapter 61 policy and procedure

Chapter 40B developments	Chapter 40B limitations  Possible to negotiate for municipal use	Initial discussion with boards affected by land use* + ZBA  Follow-up discussion: ZBA, Planning Board, and Board of Selectmen if appropriate
Town purchase	Zoning and other bylaws apply  Possible for municipal uses  Chapter 30B applies unless there is a unique exception	Initial discussion with boards affected by land use*  Follow-up discussion with sponsoring entity, include Planning Board and Board of Selectmen
Town purchase for conservation, open space	Article 97, conservation restriction	Conservation Commission involvement  Initial discussion with boards affected by land use*
Tax foreclosure (acceptance and disposal)	Zoning and other bylaws apply  Possible for municipal uses	Notify boards of foreclosure  Initial discussion with boards affected by land use*  Follow-up discussion: Planning Board and Board of Selectmen if appropriate
Donated to Town with restrictions	Restrictions as specified by donor	Discussion with affected boards  Board of Selectmen can choose whether to accept
Land trust (SCT, SVT, etc.)	Article 97 may apply if conservation restriction	Privately owned, not available for municipal use

\* Planning Board, Board of Selectmen's liaison, Board of Health, Conservation Commission

Other action items:

- Modify the feedback form distributed to Town Boards and committees to query the municipal need for available open space that may result from development. (DONE)
- When a new development opportunity comes up, the Planning Board should notify its Board of Selectmen liaison and involve that person in the discussion.

## Stow Selectmen's Office

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**From:** Stephen Dungan [s.dungan@comcast.net]  
**Sent:** Tuesday, January 12, 2010 3:36 PM  
**To:** selectmen@stow-ma.gov  
**Subject:** Sweeney application

Yes, please Susan. Also, please make sure all the selectmen have copies of the PB letter and the Mass Housing letter. Since this is the first time the board has been involved in this process, the application should be an item on our next agenda just to make sure we all know what our roles are here.

Steve

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**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Tuesday, January 12, 2010 2:24 PM  
**To:** Steve Dungan; Jon Witten; Laura Spear  
**Cc:** Bill Wrigley; Karen Kelleher; Kay Desmond  
**Subject:**

Hi folks,  
Attached is the notification we have been expecting from MassHousing on the Highgrove 40B project eligibility application.

The Town has 30 days to submit comments. Jon has Highgrove's full application and the ZBA, Planning Board, and Selectmen have copies of the overview. The Planning Board has already begun to prepare their input. (Please correct me if I'm wrong on this, Karen.)

Steve and Laura, by statute, the notice comes to the Board of Selectmen. Do you want to consolidate comments from the different committees and submit them as a package from the Board?

Thanks.  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

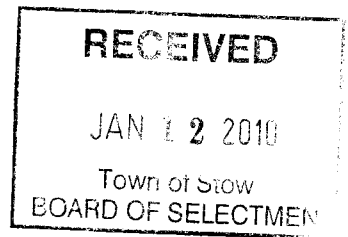
1/12/2010





Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | www.masshousing.com



January 11, 2010

Stephen M. Dungan, Chairman  
Board of Selectmen  
Town of Stow  
380 Great Road  
Stow, MA 01775-2127

RE: Highgrove Estates  
PE# 503  
Site Approval Application Notification

Dear Mr. Dungan:

The Massachusetts Housing Finance Agency (MassHousing) is currently reviewing an application for Site Approval submitted by Christine Sweeney. The proposed Highgrove Estates development will consist of 64 newly constructed housing units located on a 42 acre parcel of land located on West Acton Road in Stow and 18 Woodchester Road in Acton.

The site approval process is offered to project sponsors who intend to apply for a comprehensive permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of our review, we are soliciting comments from the local community and we would appreciate your input. You also may wish to include in your response, issues or concerns raised by other town boards, officials or other interested parties. Pursuant to the new Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) your comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. Your comments will be considered as part of our review.

We have been informed by the applicant that the Town has received a copy of the Highgrove Estates application and site plans. Please inform us of any issues that have been raised or are anticipated in the Town's review of this application. We request that you submit your comments to this office within 30 days so we may process this application in a timely manner.

Deval L. Patrick, Governor  
Timothy P. Murray, Lt. Governor

Ronald A. Homer, Chairman  
Michael J. Dirrane, Vice Chair

Thomas R. Gleason, Executive Director  
Robert M. Ruzzo, Deputy Director

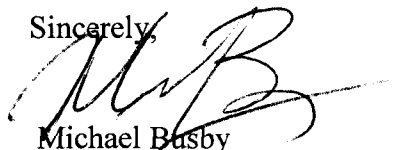
During the course of its review, MassHousing will conduct a site visit, which Local Boards, as defined in 760 CMR 56.02, may attend. The site visit for Highgrove estates has been tentatively scheduled for January 26, 2010. Please notify Michael Busby, MassHousing 40B Project Coordinator, at (617) 854-1219 promptly if any representatives of your office or of other Local Boards plan to attend the scheduled site visit.

Please note that if and when an application is submitted for a comprehensive permit, assistance is available to Stow's Zoning Board of Appeals (ZBA) to review the permit application. The Massachusetts Housing Partnership's (MHP) *Ch. 40B Technical Assistance Program* administers grants to municipalities for up to \$10,000 to engage qualified third-party consultants to work with Stow's ZBA in reviewing the Chapter 40B proposal. For more information about MHP's technical assistance grant visit MHP's web site, [www.mhp.net/40B](http://www.mhp.net/40B) or e-mail MHP at [communityinfo@mhp.net](mailto:communityinfo@mhp.net). Also available at MHP's web site are the "Local 40B Review and Decision Guidelines" that were released in November 2005 to provide guidance to local officials as they review comprehensive permit applications. The Chapter 40B regulations and accompanying guidelines issued by DHCD, however, take legal precedence over the MHP guidelines.

If you have any questions, please do not hesitate to telephone me at (617) 854-1219 or Greg Watson, Comprehensive Permit Manager, at (617) 854-1880.

Thank you for your assistance.

Sincerely,



Michael Busby  
40B Project Coordinator

**Stow Selectmen's Office**

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**From:** Karen Kelleher [planning@stow-ma.gov]  
**Sent:** Tuesday, January 12, 2010 2:52 PM  
**To:** selectmen@stow-ma.gov; Steve Dungan; Jon Witten; Laura Spear  
**Cc:** Mike Kopczynski; Kathleen Willis; Bill Wrigley; Kay Desmond; Kristen Domurad; Terri Cole; Marcia Rising; Pat Perry (Work)  
**Subject:** Highgrove Application for Site Approval

Hi All,

The Planning Board did start on comment letter (Draft 1 attached). It probably would be more meaningful for Boards and Committees' (Selectmen, Planning, Board of Health, Conservation Commission, SMAHT) to consolidate their comments.

Karen Kelleher  
Planning Coordinator  
Town of Stow  
380 Great Road  
Stow, MA 01775  
978-897-5098  
978-897-2321 (Fax)  
www.stow-ma.gov

-----Original Message-----

**From:** Stow Selectmen's Office [mailto:selectmen@stow-ma.gov]  
**Sent:** Tuesday, January 12, 2010 2:24 PM  
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Thanks.  
Susan

Susan McLaughlin  
Phoebe Haberkorn  
Selectmen's Office  
Town of Stow  
978-897-4515

1/14/2010



Town of Stow  
**PLANNING BOARD**

**380 Great Road**  
**Stow, Massachusetts 01775**  
(978) 897-5098  
FAX (978) 897-2321

January 7, 2010

Michael Busby  
40B Project Coordinator  
MassHousing  
One Beacon Street, 29<sup>th</sup> Floor  
Boston, MA 02108-3110

Re: Application for Project Eligibility and Site Approval  
Highgrove Estates, LLC

Dear Mr. Busby

The Stow Planning Board reviewed the Application for Project Eligibility, filed by Highgrove Estates LLC and offers the following comments:

**The site of the proposed project is not appropriate for residential development**

Although the site is located in the Residential District, this site is not appropriate for residential development. The Town of Stow denied proposals for residential development on this site in 1972, 1973, 1998 and 2008 because the plans did not adequately address drainage, access and public safety.

The proposed site plan is similar to a preliminary plan denied by the Stow Planning Board in December of 2008. In its decision, the Planning Board found that this site is not appropriate for an 18-unit Subdivision, as shown on the Preliminary Plan. The Applicant chose not to follow up with a Definitive Subdivision Plan addressing the deficiencies noted in the Preliminary Plan Decision. The proposed plan for 56-units on the same site with basically the same layout creates additional impervious surfaces, causing additional runoff and impact to abutting properties. In addition, the proposed road will cause safety issues in inclement weather related to emergency response time and access to school buses and the Council on Aging van.

As indicated in the December 2008 Decision (attached), the Planning Board has grave concerns that development of this site will cause harm to abutting properties and roadways and does not prove safe access for the proposed 56 units. The following list outlines major concerns noted in the decision:

- The hydrological features of the area of the parcel proposed for development present major obstacles for development. The land is presently forested with a significant amount of wetlands. The depth to groundwater is very shallow. Clearing the present vegetation for roads and lot development will increase the quantity of water, which must be handled by the

existing natural groundwater system. The wetlands that presently drain to Acton will present an increased flow placing an added burden on Acton's drainage systems.

- The Superintendent of Streets stated that the existing runoff from a spring on the hill causes flooding across and around West Acton Road. Additional water would exacerbate the problem. The existing drop inlet in Acton gets overwhelmed and cannot handle additional water. He also stated that the proposed road located to the east side of the hill will be very shady, making it susceptible to freezing.
- The topography shown on the Plan indicates steep (20%±) slopes from West Acton Road to a less steep plateau at the top of the hill. Access from West Acton Road will require a road with a 5% grade at the intersection to 10% grade on the 200' radius turn. While this design is within the criteria for horizontal and vertical alignment, the combination of the two creates an unsafe condition, as it would create a difficult roadway to maneuver in the winter, as expressed by the Stow Highway and Public Safety Officials.
- During a Public Meeting held by the Planning Board in 2008 on the 18-lot Preliminary Planned Conservation Development/Subdivision Plan, the Application stated that the site contains 30.31 acres of forested land. After development of the proposed Plan, the forested land will be reduced to 14.91 acres. The Board is concerned about the stability of the site and the road both during and after construction, as most of the trees on the first half of the hill will be removed and up to 20 feet of fill will be added.
- The Conservation Commission noted concern about the proposed access road and steep slopes, and wetland crossings that will be required to access the property from West Acton Road. The Commission has not yet made a determination with regard to whether the access road from West Acton Road would be considered a "Limited project" under the Wetlands Protection Act regulations, given that an alternative means of access to the upland portion of the property is available, which would not require wetland crossings. The Conservation Commission recommended that the Applicant explore the feasibility of locating the primary access in Acton and working with Stow and Acton on a mutual aid agreement for emergency response.

**Development Plans were also denied for this site in 1972, 1973 and 1998 due to drainage and public safety issues**

- In 1972, the Applicant filed an Application for Approval for a Preliminary Subdivision Plan, prepared by Colburn Engineering, for this Site with the Towns of Stow and Acton. The Town of Stow and the Town of Acton disapproved the Application, as the Plan did not adequately address drainage, access, wetlands and street standards.
- In 1973, the Applicant filed an Application for Approval for a Definitive Subdivision Plan, prepared by Colburn Engineering, for this Site with the Towns of Stow and Acton. This plan showed 23 lots located in the Town of Stow with sole access from the Town of Acton. The Town of Stow and the Town of Acton disapproved the Application, as the Plan did not adequately address drainage, access, wetlands and street standards.
- In 1998, the Applicant filed conceptual subdivision plans, prepared by Howe Surveying Associates, Inc.:
  1. A seven (7) lot conventional subdivision – four (4) hammerhead lots with frontage on West Acton Road, Stow and three (3) conventional lots with access from Woodchester Drive, Acton.

2. An eleven (11) lot conventional subdivision - four (4) ANR lots with frontage on West Acton Road, Stow and 7 conventional lots fronting on a subdivision roadway off of Woodchester Drive, Acton.
3. A seventeen (17) lot conventional subdivision with frontage on a subdivision roadway off of Woodchester Drive, Acton.

The Planning Board met with the Applicant on November 24, 1998. The Planning Board voiced concern about sole access from the Town of Acton, excessive grades in the Town of Stow, drainage and wetlands. The Applicant's Engineer stated that there is a 100' elevation change until you meet the plateau and that they provided access off of Woodchester Drive in Acton due to the topography along West Acton Road, where slopes are in excess of 20%. He further stated that it would be nearly impossible to build a road to town standards off of West Acton Road. The Applicant's Attorney stated that he feels it would be environmentally destructive to build a road in Stow, given the topography.

**The Town of Stow continues to provide for affordable housing needs, such as inclusionary zoning, and Chapter 40B developments under construction and under consideration.**

The Town of Stow acknowledges there is a need for low and moderate income housing in the Town of Stow pursuant to the provisions of Chapter 40B of the General Laws and applicable Rules and Regulations of the Department of Housing and Community Development (DHCD"). However, we also note that not all sites are appropriate for residential development.

In addition to reasons stated above, we urge you to deny the application for project eligibility as the Town of Stow continues to provide for affordable housing needs as evidenced by the following actions:

- June 2002 – Town Meeting approved an Active Adult Neighborhood Bylaw, which requires at least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS. In addition, at least 5% of the DWELLING UNITS shall be built to sell at a price affordable to middle income households, as defined by Executive Order 418 for the Town of Stow.
- May 2003 – Town Meeting approved an Inclusion of Affordable Housing Bylaw, which requires any development or division of land, which could result in the creation of six (6) or more DWELLING UNITS, shall require a Special Permit from the Planning Board, and shall include as a condition of said permit that:
  - At least 10% of the units be priced for QUALIFIED AFFORDABLE HOUSING PURCHASERS;
  - The mix of AFFORDABLE DWELLING UNITS and market rate housing built in any one year be equivalent to the overall mix for the entire development;
  - Deed restrictions, acceptable to the Town, and established in accordance with the standards of DHCD or successor or additional programs adopted by the Commonwealth or its agencies, shall be placed on the appropriate property to ensure that AFFORDABLE DWELLING UNITS created under this section shall remain AFFORDABLE DWELLING UNITS in perpetuity or for as long a period as is allowed by law.
- October 16, 2003 – The Zoning Board of Appeals approved a ninety-six (96) unit Comprehensive Permit, sixty (60) of which are to be separate single-family dwellings and thirty-six (36) of which are to be in attached triplex multifamily structures. Twenty-five (25%) percent (24 units), of the units are designated for sale to buyers with income at or below

80% of the median income published for the Boston Primary Metropolitan Statistical Area (PMSA), and an additional six (6) units shall be sold to buyers with income at or below 120% of the median income published for the Boston PMSA. This development is currently under construction.

- May 2006 – The Planning Board approved the Arbor Glen Active Adult Neighborhood, currently under construction. The Permit requires the developer to:
  - Build 4 units of housing for Annual Incomes of \$66,080.00 or less (80% of Median Income).
  - Build 3 units of housing for Annual Incomes of \$123,900.00 or less (150% of Median Income).
  - Make cash payment for 4 units.
- July 2007 – The Planning Board approved the Ridgewood Estates Active Adult Neighborhood. The Permit requires the developer to:
  - Build 4 units of housing for Annual Incomes of \$66,080.00 or less (80% of Median Income).
  - Build 3 units of housing for Annual Incomes of \$123,900.00 or less (150% of Median Income).
  - Make a cash payment for 4 units
- October 2009 - Town Meeting approved the sum of One Million Four Hundred Thousand Dollars (\$1,400,000) from Community Preservation Unrestricted Fund Reserves, and Three Hundred Fifty Thousand Dollars (\$350,000), from Community Preservation Affordable Housing Reserves, to be expended under the direction of the Community Preservation Committee (CPC) consistent with the Community Preservation Act for the purpose of purchasing land and developing a total of 67 affordable housing units as follows:
  - 37 affordable supportive housing units next to Plantation apartments, an existing 50-unit affordable elderly rental apartment complex and
  - 30 affordable family rental units, adjacent to Pilot Grove apartments, an existing 60-unit affordable family rental development.

#### **Preliminary Construction Budget**

The Preliminary Construction Budget indicates a site acquisition cost of \$1,500,000.00. (\$23,438.00 per unit). The Purchase and Sale Agreement indicates the agreed purchase price is \$2,300,000.00 or for such other amount as such property is appraised prior to closing. It appears that both the seller and buyer are the same entities. Christine M. Sweeney is shown as the seller (Trustee of the Sweeney Charitable Remainder UniTrust and Liberty Square Trust). Christine M. Sweeney is also shown as the buyer (Manager of Highgrove Estates, LLC).

#### **Smart Growth Criteria Score Card**

The application indicates the project mixes uses or adds new uses to an existing neighborhood. However, the plan shows a residential development (no other uses) in an existing residential neighborhood.

#### **Stow Planning Board Recommendation**

The Town of Stow is supportive of affordable housing and has made a concerted effort, through zoning bylaw amendments and development approvals, to provide housing for affordable low- and moderate-income purchasers. That being said, we also take seriously our responsibility of protecting the health, safety and welfare of Stow's residents. The reality is that not all sites are

appropriate for development. As indicated above, several development proposals with significantly less density have been presented to the Town of Stow over the past 27 years and all have been rejected because the applicant was unable to adequately address drainage, access, wetlands, street standards and public safety concerns.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Stow Planning Board

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Kathleen Willis

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Leonard Golder

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Stephen Quinn

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Ernest Dodd

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Lori Clark

CC: Stow Board of Selectmen  
Stow Board of Health  
Stow Conservation Commission

Tina Brooks, Undersecretary  
Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114



**Stow Selectmen's Office**

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**From:** Alice [alice@solynx.com]  
**Sent:** Thursday, January 07, 2010 2:55 PM  
**To:** selectmen@stow-ma.gov  
**Subject:** Re: Board of Selectmen Priorities

Hi - Is there any chance that the Selectmen might add the Minuteman Building project to its priorities?

Thanks for considering this - it would be very helpful.

Alice

On 1/7/2010 2:03 PM, Stow Selectmen's Office wrote:

<!--[if !supportEmptyParas]--> <!--[endif]-->

Good afternoon,

Attached is a memo from the Board of Selectmen on the Board's priorities. Chairs, please share this with your committee members.

Thank you.

Susan

<!--[if !supportEmptyParas]--> <!--[endif]-->

<!--[if !supportEmptyParas]--> <!--[endif]-->

Susan McLaughlin

Phoebe Haberkorn

Selectmen's Office

Town of Stow

978-897-4515

<!--[if !supportEmptyParas]--> <!--[endif]-->

## Stow Selectmen's Office

---

**From:** Stow Selectmen's Office [selectmen@stow-ma.gov]  
**Sent:** Tuesday, January 12, 2010 1:58 PM  
**To:** Bill Wrigley; Ellen Sturgis; Kathy Farrell; Laura Spear; Steve Dungan; Tom Ruggiero  
**Cc:** Donna Jacobs (H)  
**Subject:** FW: MAGIC: February 4 Meeting on Shared Municipal Services

Hi everyone,  
 I'm forwarding this request from Donna Jacobs regarding the MAGIC meeting on shared municipal services. She would appreciate your input in advance of the Feb 4 meeting.

Steve, should I add this as a discussion topic to the Jan 20 agenda?

Thanks.  
 Susan

-----Original Message-----

**From:** Donna Jacobs [mailto:donna.jacobs@verizon.net]  
**Sent:** Tuesday, January 12, 2010 11:33 AM  
**To:** selectmen@stow-ma.gov  
**Subject:** FW: MAGIC: February 4 Meeting on Shared Municipal Services

Susan,  
 Please share with Bill & Selectmen. I plan to attend the meeting, but would appreciate input from ahead of time.

Donna Jacobs  
 978-562-5490

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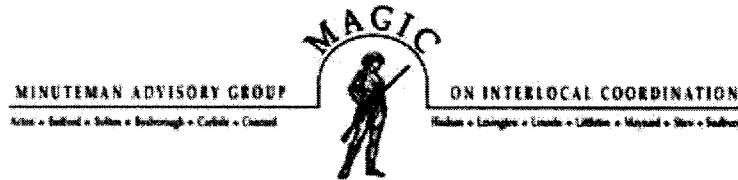
**From:** Wallace, Christine [mailto:cwallace@mapc.org]  
**Sent:** Monday, January 11, 2010 6:22 PM  
**To:** undisclosed-recipients:  
**Subject:** MAGIC: February 4 Meeting on Shared Municipal Services

Hello MAGIC Member and Friends,  
 Please save the date of **Thursday February 4, from 9:30 a.m.-11:30 a.m. in Boxborough for our next MAGIC meeting, with a topic of Shared Municipal Services.** More information is provided below and in the attached flyer. Detailed directions to follow. Please note this **is a daytime forum and we will NOT have an evening MAGIC meeting in February** as originally planned.

This forum is free and open to the public, and also open to surrounding non-MAGIC towns. This topic may be of particular interest to Town Managers, Selectmen, Public Safety, Health, Housing and other municipal staff and officials, so please pass along this information in your town and to nearby towns!

**If you plan on attending, PLEASE RSVP to me at cwallace@mapc.org or 617-451-2770 x2060.** Hope you all can join us for this important meeting!

1/12/2010



Please Join Local Officials from the  
MAGIC Subregion of the Metropolitan Area Planning Council for a

## Forum on Saving Money and Providing Better Services through Inter-Municipal Collaboration

Thursday, February 4, 2010

9:30 – 11:30 A.M.

In the Large Meeting Room at Sargent Memorial Library  
472 Massachusetts Avenue (Route 111), Boxborough, MA 01719

The Municipal Services staff of the Metropolitan Area Planning Council will provide information  
and facilitate the discussions:

- Hear about successful existing inter-community collaborations in Massachusetts
- Learn about MAPC's inter-municipal purchasing consortiums.
- Listen to MAPC's municipal services staff describe their ongoing work on shared services under the District Local Technical Assistance program
- Share your community's experiences with inter-municipal collaborations
- Discuss with other local officials how inter-municipal sharing of services may save you money or help to provide more services to your community

*This event may be of particular interest to Town Managers, Selectmen, Public Safety, Health, Housing, and other municipal staff and officials, so please pass this information on!*

**This is a free event, but please RSVP if you plan on attending to: Christine Wallace at MAPC at [cwallace@mapc.org](mailto:cwallace@mapc.org) or 617-451-2770 ext. 2060. For more information on MAGIC, see [www.mapc.org/subregions/MAGIC](http://www.mapc.org/subregions/MAGIC)**

**Christine E. Wallace, P.E.**  
Senior Regional Planner  
Metropolitan Area Planning Council (MAPC)  
60 Temple Place  
Boston, MA 02111  
ph: 617-451-2770 x2060  
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[www.mapc.org](http://www.mapc.org)  
[cwallace@mapc.org](mailto:cwallace@mapc.org)

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

1/12/2010

# **Regionalized Services As of November, 2008**

1. Regional High School
2. Regional Tech High School
3. Regional Planning Agency
4. Hanscom Area Towns (HATS)
5. Police and Fire Mutual Aid
  - Agreements with all surrounding towns
  - Agreement with Hanscom Air Force Base
6. Regional Fire District (District 14)
  - Emergency support; Haz Mat
7. Northeast Mass Law Enforcement Council (NEMLEC)
  - Emergency response; Training; Search and Rescue; K-9 unit; Dive Team; school response system
8. Suburban Drug Task Force
  - Waltham, Arlington, Watertown, Weston, Lexington, Newton
9. Domestic Violence Victim Assistance Program (DVAP)
9. Regional Paramedic Support – Emerson Hospital
10. Regional Social Services Provider: Minuteman Home Care
11. Insurance Purchasing Collaborative (MIIA)
12. Regional Library Network
13. Septic Inspections & Health Inspections (Inter-town Agreement with Concord)
14. Hazardous Waste Disposal (based in Lexington)

*from the Town  
of Lincoln*

## Proposed Resolution Calling for Health Insurance Plan Design Authority for Cities and Towns



*Note: The MMA's Policy Committee on Personnel and Labor Relations, which drafted this resolution, is welcoming member comments through Dec. 31 so that committee members will be able to review any input before the Annual Business Meeting. Comments can be submitted to the MMA, Attn: Legislative Division, 1 Winthrop Square, Boston, MA 02110, or [dbaier\[at\]mma.org](mailto:dbaier[at]mma.org).*

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Whereas, the Commonwealth of Massachusetts is facing a deep and abiding fiscal crisis caused by the worst national and global recession in the past 70 years;

Whereas, local aid to cities and towns has been dramatically reduced by the Commonwealth, forcing deep cuts in essential municipal services, eliminating thousands of municipal workers, and increasing reliance on the regressive property tax;

Whereas, the cost of health care delivery continues to increase faster than inflation, driving up the cost of health insurance for all private and public employers, and the problem is so severe that for many cities and towns the increase in costs exceeds the annual allowable increase in the property tax levy;

Whereas, cities and towns in Massachusetts have been denied the authority to manage and decrease taxpayer-funded health insurance costs because of a restrictive state law that requires municipalities to collectively bargain and obtain union approval for even the most basic changes in the design of health insurance plans, including co-pays, deductibles and other features;

Whereas, the Commonwealth of Massachusetts has exempted itself from any such collective bargaining restrictions or requirements, and has managed and reduced its own health insurance costs for state employees through unilaterally determined plan design changes to co-pays and deductibles; and

Whereas, continuing to deny cities and towns the same management authority that the Commonwealth of Massachusetts uses to reduce health insurance costs will force municipalities and local taxpayers to continue to pay an unnecessarily high share of local budgets for health benefits, will force cities and towns to eliminate municipal positions from the workforce, and will further cut the essential education, public safety, public works and other core services that are vital to future economic growth and are rightly expected by the citizens of our communities;

Therefore it is hereby resolved by the members of the Massachusetts Municipal Association as follows:

Resolved, that the cities and towns of the Commonwealth hereby call upon the Governor and the Legislature to recognize that the time for real reform has come, and that further delay will harm the taxpayers, residents and economic future of Massachusetts;

Resolved, that the cities and towns of the Commonwealth must be given the same authority that the state has to change, update and modernize the design of municipal health insurance plans;

Resolved, that the cities and towns of the Commonwealth must be provided with the authority to determine plans and change health insurance co-pays and deductibles at least up to the level of the co-pays and deductibles in comparable plans that the Commonwealth offers to its own employees; and

Resolved, that a copy of this resolution shall be presented to the Governor and the members of the Legislature on behalf of the cities and towns of the Commonwealth.

## Proposed Resolution Calling for Action to Prevent Unfunded State Mandates in the Police Career Incentive Pay Program



*Note: The MMA's Policy Committee on Personnel and Labor Relations, which drafted this resolution, is welcoming member comments through Dec. 31 so that committee members will be able to review any input before the Annual Business Meeting. Comments can be submitted to the MMA, Attn: Legislative Division, 1 Winthrop Square, Boston, MA 02110, or [dbaier\[at\]mma.org](mailto:dbaier[at]mma.org).*

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Whereas, the Police Career Incentive Pay program, commonly known as the Quinn Bill, was established by the Commonwealth in 1970 as a initiative to promote the college-level education of police officers;

Whereas, the Quinn Bill was established as a partnership program between the Commonwealth and the cities and towns of Massachusetts, with the state and participating municipalities each paying 50 percent of the costs of the program, and cities and towns decided to join the program based on the state's pledge and commitment;

Whereas, the Commonwealth of Massachusetts has reduced funding for its share of the program, and has budgeted only 17 percent of its share (covering less than 9 percent of the overall program cost), underfunding the Commonwealth's obligation by \$48 million in fiscal 2010, and has adopted language prohibiting any new officers from qualifying for future Quinn Bill payments;

Whereas, the Commonwealth's action to unilaterally withdraw its support and commitment to the Police Career Incentive Pay Program threatens many participating cities and towns with the potential of an unaffordable and inappropriate new unfunded mandate, as it appears that a 1994 Supreme Judicial Court decision may require municipalities to assume the Commonwealth's share of the Quinn Bill;

Whereas, those cities and towns that have provisions in their ratified collective bargaining agreements that state that the participating community is only responsible for funding the 50 percent municipal share are being sued by their police unions for full Quinn Bill payments, and in some cases with the threat of treble damages, creating widespread uncertainty and forcing unexpected legal expenditures; and

Whereas, local aid to cities and towns has been dramatically reduced by the Commonwealth, forcing deep cuts in essential municipal services, eliminating thousands of municipal workers, and increasing reliance on the regressive property tax, and cities and towns do not have the financial resources to pay for the Commonwealth's broken Quinn Bill promise to local government and to municipal police officers.

Therefore it is hereby resolved by the members of the Massachusetts Municipal Association as follows:

Resolved, that the Commonwealth must enact into law a statute that clarifies that municipalities are not required to pay for the Commonwealth's share of the Police Career Incentive Pay Program unless the municipality voluntarily agrees to do so through a collective bargaining agreement;

Resolved, that the Commonwealth enact into law a statute that clarifies that a collective bargaining agreement between a municipality and a police union that states that the municipality is only responsible for its share of the Police Career Incentive Pay Program is legal and binding on both parties; and

Resolved, that a copy of this Resolution shall be presented to the Governor and the members of the Legislature on behalf of the cities and towns of the Commonwealth.

## Proposed Resolution Opposing Current and Future Unfunded Local Mandates



*Note: The MMA's Policy Committee on Municipal and Regional Administration, which drafted this resolution, is welcoming member comments through Dec. 31 so that committee members will be able to review any input before the Annual Business Meeting. Comments can be submitted to the MMA, Attn: Legislative Division, 1 Winthrop Square, Boston, MA 02110, or [dbaier\[at\]mma.org](mailto:dbaier[at]mma.org).*

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Whereas, the cities and towns of Massachusetts provide a wide range of essential services for all the citizens of the Commonwealth, including fire, police, ambulance and other public protection services, the education of nearly 1 million schoolchildren, the operation of free public libraries, and the construction and maintenance of local roads and bridges and other public facilities; and

Whereas, the economic recession and the enduring impact on government revenues have resulted in budget shortfalls and challenges at both the state and local levels; and

Whereas, the state has further imposed requirements applicable to all cities and towns of Massachusetts without any appropriation notwithstanding this fiscal crisis and include, but are not limited to, the measures contained in this Resolution; and

Whereas, the Legislature and governor have recently imposed such a requirement on all cities and towns pursuant to the Ethics Reform Act whereby all municipal employees, including consultants and those rendering volunteer services, must complete an online training on the state's conflict-of-interest law without appropriating any money to absorb the administrative and overtime costs associated thereto; and

Whereas, the Legislature and governor have recently imposed such a requirement on all cities and towns pursuant to "Jackie's Law," whereby a local permitting authority must attend to and immediately shut down all work on any unattended or noncompliant trench excavation on both public and private property without appropriation to absorb the costs incurred thereto; and

Whereas, state agencies have imposed strict water resource protection regulations, based on questionable science that has not been fully explained to municipal water suppliers, that have negatively impacted economic growth at a time when cities and towns are seeking to attract new businesses; and further that these same state agencies have sought to require new and burdensome storm water regulations upon our cities and towns, without providing for the economic hardship this will no doubt incur; and

Whereas, the state subjects all cities and towns to the state's prevailing wage law, whereby such wages are established in the private sector, because of inherent ambiguity in the law, resulting in artificially higher wage rates, unnecessarily augmenting costs for capital construction projects for cities and towns during these grim fiscal times without appropriation to absorb those costs incurred thereto; and

Whereas, the state arbitrarily requires that all cities and towns with a population in excess of 12,000 hire a full-time veteran's agent; and

Whereas, special education costs have grown 36 percent from fiscal 2002 to fiscal 2007 and out-of-district tuition expenditures over that same time have grown by 62 percent; and, further, local school district enrollments have grown steadily over that same time by 15 percent; and

Whereas, cities and towns support and advocate for strong ethical government, strong and appropriate trench safety programs, clean and safe drinking water and high quality storm water, payment of appropriate wages for public construction work, full provision of benefits to veterans of the Armed Forces, and appropriate and fair levels of special education services to students of the Commonwealth – however, cities and towns cannot continue to absorb these and additional mandates and the corresponding workload imposed by the Commonwealth of Massachusetts without compensation, reimbursement, or other relief from the Commonwealth, no matter how worthy the causes;

Therefore it is hereby resolved that:

The cities and towns of Massachusetts call on the Legislature, governor and the state's administrative agencies to refrain from imposing any further unfunded mandates and requirements on cities and towns, as said mandates harm municipal budgets, adversely impact municipal service delivery, and increase reliance on the property tax; and

In the event that any such legislation or regulation is considered, the Legislature shall be required to provide a fiscal note included as part of any such proposal that clearly explains the costs imposed on municipal governments as a result of such legislation or regulation, including, but not limited to, the requisite staff necessary to administer or implement said legislation; and

In the event there is a cost identified in said fiscal note, that the Legislature refrain from enacting such a legislative proposal until such time that an appropriation satisfying said amount be provided for; and

Regarding the unfunded mandates referenced above, the state should take the following actions to remedy the burden on cities and towns:

- In the event that the state does not appropriate adequate funds to reimburse cities and towns for enforcing the new training requirements of the Ethics Reform Act, the MMA calls on the Legislature and governor to amend said Act to eliminate those provisions in Section 84 of said Act that impose on all municipal employees the requirement that they complete a training every two years of the conflict-of-interest law and that the municipal employer maintain a record of completion for six years, and in the meantime, the MMA urges the State Ethics Commission to continue to work with cities and towns to make the implementation process as feasible as possible;
- In the event the state does not appropriate adequate funds to reimburse cities and towns for enforcing the provisions of "Jackie's Law," the MMA calls on the Legislature and governor to amend "Jackie's Law" to provide for a mechanism by which such costs can be subsidized by permit holders while also providing municipalities adequate tools by which to enforce said law, especially with respect to private property;
- In the event the state does not appropriate adequate funds to cities and towns, the MMA calls on the state's environmental agencies to conduct an impact analysis and cost-benefit analysis prior to consideration of any new regulation affecting water supplies and support continued research into the science needed to make fair and balanced decisions regarding water resource management, and the state must pay for any environmental regulation promulgated, no matter how well-intentioned or necessary to protect the environment, that imposes new, additional costs on cities and towns; and
- That the state should exempt smaller cities and towns and small-scale projects from the state's prevailing wage law, and, further, that the state's prevailing wage law should be amended to unequivocally require the state Director of Workforce and Labor Development to set the prevailing wage rate in addition to certifying said rate; and
- That the state should eliminate the arbitrary population requirement that dictates the hiring of a full-time veterans agent and instead call on the state Department of Veterans Services to work with communities with limited caseloads to regionalize such service in order to administer benefits effectively at the lowest possible cost; and
- That the state increase the state's share of those costs incurred pursuant to the state's special education requirements while ensuring that school departments enjoy increased flexibility in administering special education programs.

It is further resolved that a copy of this resolution shall be forwarded to the Senate and the House of Representatives and to the Governor of the Commonwealth of Massachusetts.



# ***DRAFT***

## **News Release from Town of Stow**

### **Stow Appeals Decision to Allow Marlborough to Discharge 44% More Effluent to Assabet River**

Release date: 1/20/2010

Contact Information: Stow Board of Selectmen (978-897-4515)

Seeking to protect the Assabet River from being further degraded, the Town of Stow has appealed the joint decision by the U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) to allow the Marlborough Westerly wastewater treatment plant to discharge 44% more treated effluent to the river.

Prior to receiving this approval, the Marlborough Westerly plant was authorized to discharge 2.89 million gallons per day (mgd) of treated effluent. The additional discharge allowed, 1.26 mgd, is nearly as large as the entire daily permitted discharge (1.45 mgd) from the Maynard wastewater treatment plant.

This approval by EPA and MassDEP came in the form of a modification to the Marlborough plant's discharge permit, which was issued by the agencies in 2005 and is set to expire in November 2010. Because EPA and MassDEP had to approve this permit modification separately, appealing the approval required Stow to file separate appeal documents with EPA and MassDEP.

Stow's main concern is that the Assabet is already a degraded, eutrophic river, suffering from excessive plant growth and poor water quality due primarily to discharges of phosphorus from the Assabet's four municipal wastewater treatment plants. The existing 2005 discharge permits for these four plants do not currently ensure that the Assabet will achieve its designated water quality standard, namely, a "Class B" river that has good water quality suitable for aquatic life and is both fishable and swimmable.

When EPA and MassDEP wrote the 2005 discharge permits, they reduced the amount of phosphorus the four treatment plants were allowed to discharge in treated effluent, but they did not limit the phosphorus discharges to a low enough concentration to ensure achievement of the Assabet's water quality standards. Instead, they said they first wanted to study the feasibility of reducing the phosphorus that fluxes each summer from the sediment. They promised that in the next round of permits, which are to be issued in late 2010, they would use the results of that study to determine how much further they needed to reduce the phosphorus discharged from the treatment plants to achieve water quality standards. The more phosphorus sediment flux that can be addressed by dredging or dam removal, the less additional phosphorus reduction will need to come from the treatment plants to meet those standards. The feasibility study was conducted by the Army Corps of Engineers, and it shows that sediment dredging is a very expensive and likely ineffective option. Dam removal is also problematic and probably will not occur any time soon, if ever. A copy of the feasibility study is available at the Stow library.

The Organization for the Assabet River has also appealed this permit modification.

Representative Cory Atkins  
State House, Room 166  
Boston, MA 02133

Dear Representative Atkins:

I attended the MMA Legislative Breakfast in Maynard on October 30, 2009. During your update, you requested lists of unfunded mandates and reports from each city and town. I sent this to the various officials and employees in Stow, and I am pleased to provide the following summary of their responses:

Regional school transportation

We are unable to charge anything towards the cost, yet the state is not meeting its obligation to pay.

Master Plan, Housing Production Plan, and Open Space and Recreation Plan

Significant time and expense are required to produce these documents. If the state insists on retaining these mandates, there should be an effort to minimize the contents that are required. In any case, if the state continues to require the plans, the state should pay for them. (This becomes even more important if LUPA or CPA-2 is adopted.) Some of the requirements don't apply to all communities. For example, in the case of the Housing Production Plan we were told we had to address all types of categories including building on municipal land (which is virtually non-existent in Stow). We do not understand why cities and towns have to prepare these prodigious plans in order to be eligible for grants. If there is a need for grant support, why can't municipal officials simply justify the request through the grant application process?

Board of Health regulations

Do we need to continue water quality testing at Lake Boon as part of the Beaches Act?

Gun Control Act

We understand that our police department needs to review Fire Arms Identification Cards.

An Act to Improve the Laws Relating to Campaign Finance, Ethics and Lobbying

This law requires all municipal employees to take the online training for the state's conflict of interest law, and it may affect municipal collective bargaining agreements for overtime. For example, Westborough has filed suit on this very issue. There are also expenses related to tracking, filing, and document storage—tasks which fall on the shoulders of town clerks who are already overburdened. Speaking frankly, it appears to us that the impetus for this law was a number egregious violations within the state legislature. If so, why not address the problem where it lies instead of creating more work for the cities and towns?

MCAS testing

Expensive and unfunded.

BMI indexing

This is now required in schools as part of the "Massachusetts in Motion" initiative

In-service police officer training

In Stow, we estimate this requirement involves 4 days per officer and 8 hours pay each day (currently paid from overtime).

Costs of special elections

The State Auditor determined they should be funded by the state.

I appreciate your initiative to explore opportunities for cost savings, and I hope that the areas we have identified will be helpful.

Sincerely,

Stephen M. Dungan  
Chairman, Stow Board of Selectmen

cc:  
Representative Kate Hogan  
Senator Jamie Eldridge